REMARKS

The Office Action mailed December 8, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claim Status and Amendment to the Claims

Claims 1-32 are now pending.

Claims 1-8 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. No "new matter" has been added by the Amendment.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter the Applicant regards as the invention. With this Amendment, Claim 1 has been modified to recite the limitation "in said list of one or more active sessions". Accordingly, the Applicants respectfully request that the 35 U.S.C. § 112, second paragraph rejection of Claim 1 be withdrawn.

The First 35 U.S.C. § 103 Rejection

Claims 1, 8, 9, 16, 17, 24, 25, and 32 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bellemore et al.[1] in view of Bahl,[2] among which Claims 1, 9, 17, and 25 are independent claims.[3] This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

[1] U.S. Patent No. 6,088,728.
[2] U.S. Publication No. US20020095486.
[3] Office Action dated December 8, 2005, ¶ 5.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.[4]

Claim 1

Claim 1 as presently amended recites:

1. (Currently Amended) A device comprising:
a first memory adapted to store a list of one or more ports;
a second memory adapted to store a list of one or more active sessions, each of said one or more active sessions identifying a port, a user identified on said port; and
a verifier adapted to communicate with said first memory and said second memory, said verifier further adapted to periodically check a session in said list of one or more active sessions, said verifier further adapted to search for said user in said list of one or more ports if said session is inactive, said verifier further adapted to update said session if said user is identified on another port.

The Examiner states:

...Bellemore teaches of:

- A first memory storing a list of one or more ports (Fig 1, item 110)
- A second memory storing a list of one or more active sessions, each of said one or more active sessions identifying a port, a user identified on said port (Col 2, lines 20-35). Bellemore teaches of updating a session (Col 6, lines 60-67) but does not explicitly teach of searching for a user. In an analogous art, Bahl teaches of searching for said user (paragraph 0012) and updating said session if said user is identified on another port (*i.e.* Location) (paragraph 0014). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the above-mention features of Bahl into Bellemore's invention because this would allow the system's database to have an up-to-date record of sessions and locations of users. One of ordinary skill in the art at the time of invention would have been motivated for the reasons discussed by Bellemore (Col 4, lines 19-21).[5]

The Applicants respectfully disagree. The Specification provides:

[4] M.P.E.P § 2143.
[5] Office Action ¶ 6.

> ... verifier 308 periodically checks each active session in the list of active sessions provided by the second memory 306. If the port associated with a session indicates that the session is no longer active, the verifier 308 searches all other ports to determine a new location for the user. If the user is identified on another port (and the port hop is allowed), the verifier 308 updates the variables of the active session in the second memory 306 to record the new port location and to record the port hop event. In this case, the verifier 308 does not require the user to re-authenticate, making the port hop seamless for the user. If the verifier 308 does not find the user on the other ports, the verifier 308 repeats the search on the other ports."[6]

As such, the verifier searches the active session and if the session is not active on the port associated with the session, the verifier searches other ports to determine whether the user hopped to a different port.

A. THE PRIOR ART REFERENCES DO NOT TEACH OR SUGGEST A "verifier further adapted to search for said user in said list of one or more ports if said session is inactive"

Bahl teaches a "System and methods for locating a computer user ... wherein the computer either periodically updates the network server with its location, or updates the network server when asked by the server to do so."[7] Bahl recites transmitting an "active signal" from a mobile device if the user has been active on the mobile device for a specified time prior to a location determination.[8] The process by which Bahl performs a location determination is detailed as follows:

> Mobile A 218 includes memory 224 and a wireless network interface 226, which is used to communicate with the wireless access point 216 to access the wireless network 200. Mobile A 218 also includes a clock 228 that provides a time stamp for location transmissions from Mobile A 218. The memory 224 of Mobile A 218 stores a location manager 230, network communication protocol(s) 232 used by Mobile A 218 to communicate with the wireless network 200, and a location tracking service 234, which is

[6] Specification p. 12, ¶ 21.
[7] Bahl Abstract.
[8] Bahl ¶ 41.

> configured to identify a location of Mobile A 218 upon request. Whenever the location manager 230 requires the location of Mobile A 218, it queries the location tracking service 234. The location tracking service 234 places the mobile's wireless network hardware in promiscuous receive mode so that it can receive beacons from all nearby base stations. Using the signal strength of the beacon packets with an appropriate, previously established radio map of the area or building, Mobile A 218 calculates its position. Alternatively, the location tracking service 234 in Mobile A 218 may simply query its wireless network interface 226 to determine the address of the wireless access point 216 to which it is connected. It may then either transmit this address to the server 202 which does a look up to determine the location of the wireless access point 216 or the Mobile A 218 may itself determine the location of the wireless access point 216 using a map of the area or building and transmit that location to the server 202. This location is then considered by the server 202 as the location of the Mobile A 218 and stored in the last known location 210 field.[9]

Thus, Bahl recites location tracking service determining the location of a user by using an area's radio map and measurements of the strength of beacon packets from nearby base stations, or by performing a lookup based on the wireless access point to which the wireless device is connected. The location tracking service does not search other ports to determine if the user hopped to a different port.

Claim 1, on the other hand, includes the element of "searching for said user in said list of one or more ports if said session is inactive." If a session is determined to be inactive on a port, the claimed invention searches for the user on other ports to determine if the user has hopped to a different port. However, the location tracking service of Bahl does not teach or suggest searching for the user on other ports once it has determined that the user's session is inactive – rather, it only cares whether the user is or is not active.

As stated by the Examiner, Bellemore et al. does "not explicitly teach of searching for a user." Thus, since neither Bellemore et al. nor Bahl teach searching for the user on another port,

[9] Bahl ¶ 35.

the combination of Bellemore et al. and Bahl can not be said to render the claimed invention unpatentable. For this reason, the 35 U.S.C. § 103 rejection of Claim 1 is unsupported by the art and must be withdrawn.

B. THE PRIOR ART REFERENCES DO NOT TEACH OR SUGGEST A "verifier further adapted to update said session if said user is identified on another port"

The location tracking service of Bahl does not try to identify the user on another port. As stated above, Bahl teaches a location tracking service that determines the location of a mobile device, and whether the device is active. If it is determined that the device is active, the location tracking service merely sends a signal to indicate that the mobile device is active, in addition to the user name, location coordinates, and time of the location determination.[10] The location tracking service does not search other ports to determine if the user hopped to a different port. Thus, Bahl does not teach or suggest doing anything "if the user is identified on another port," let alone updating a session. Therefore, it does not and could not teach or suggest doing anything if the user is identified on another port. Accordingly, since Bahl does not teach "updating said session if said user is identified on another port" as claimed in Claim 1, the combination of Bellemore et al. and Bahl can not be said to render the claimed invention unpatentable. For this additional reason, the 35 U.S.C. § 103 rejection of Claim 1 is unsupported by the art and must be withdrawn.

C. THERE IS NO REASONABLE EXPECTATION OF SUCCESS THAT THE COMBINATION OF PRIOR ART REFERENCES RESULTS IN THE CLAIMED INVENTION

[10] Bahl ¶ 41.

Bellemore et al. teaches the use of a resource manager such that when "a client sends a command directed to the server, a resource manager inserted between the clients and the server intercepts the command and directs the server to select the session associated with a client prior to or at the same time that the resource manager forwards the intercepted command to the server. Responses from the server are forwarded by the resource manager to the client that sent the command to which the response relates."[11] Thus, Bellemore et al. merely teaches the use of a resource manager, having a client on each of its ports, which is coupled to a port on a server. This allows multiple clients to share a single port on the server and to allow the server to maintain more than one session on each of its ports.

As stated above, Bahl teaches a location tracking service that determines the location of a mobile device, and whether the device is active. If it is determined that the device is active, the location tracking service merely sends a signal to indicate that the mobile device is active, in addition to the user name, location coordinates, and time of the location determination.[12] The location tracking service does not search other ports to determine if the user hopped to a different port.

The alleged combination of Bellemore et al. and Bahl would not result in the claimed invention. The alleged combination would result in a location tracking service that determines whether the user was active or inactive. If the user was inactive, the location tracking service would merely send the user name, location coordinates, and time of the location determination to the resource manager. The location tracking service would not check other ports to determine whether the user port hopped to a different port. Thus, the alleged combination would not "allow

[11] Abstract, See, Col. 5, lines 34-56, FIG. 4A.
[12] Bahl ¶ 41.

the system's database to have an up-to-date record of sessions and locations of users" as stated in the Office Action since the alleged combination would not provide an up-to-date location of the user.

Additionally, the alleged combination of the prior art references would not result in a "verifier searching for said user in said list of one or more ports if said session is inactive" as claimed in Claim 1. The location tracking service merely determines the location of a mobile device and whether the device is active, and does not check on different ports. Thus, no searching of different ports would be conducted by the alleged combination of Bellemore et al. and Bahl.

Furthermore, the alleged combination would not result in a "verifier updating said session if said user is identified on another port" as claimed in Claim 1. Since the location tracking service would not search for the user on another port, it would not and could not update the session if the user port hopped. As such, the session would not be updated if the user was identified on another port.

Accordingly, the alleged combination of Bellemore et al. and Bahl does not teach or suggest all the claim limitations and cannot be said to render the claimed invention unpatentable. Thus, Applicant respectfully submits that Claim 1 is in condition for allowance and respectfully requests that this rejection be withdrawn.

Claims 9, 17, and 25

Independent Claims 9, 17, and 25 contain elements similar to that as described above with respect to Claim. Claim 1 being allowable, Claims 9, 17, and 25 must be allowable for at least the same reasons.

Claims 8, 16, 24, and 32

Dependent Claims 8, 16, 24, and 32, depend from Claims 1, 9, 17, and 25, respectively. The base claims being allowable, the dependent claims must be allowable for at least the same reasons.

The Second 35 U.S.C. § 103 Rejection

Claims 2, 3 10, 11, 18, 19, 26, and 27 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bellemore et al. and Bahl and further in view of Goldberg[13].[14] This rejection is respectfully traversed.

As to dependent claims 2, 3 10, 11, 18, 19, 26, and 27, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

[13] U.S. Patent No. 6,816,455.
[14] Office Action, ¶ 8.

The Third 35 U.S.C. § 103 Rejection

Claims 4-5, 12-13, 20-21, 28, and 29 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bellemore et al. and Bahl and further in view of Raab[15].[16] This rejection is respectfully traversed.

As to dependent claims 4-5, 12-13, 20-21, 28, and 29, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Fourth 35 U.S.C. § 103 Rejection

Claims 6, 14, 22 and 30 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bellemore et al. and Bahl as applied to claims 1, 9, 17, and 25 above and further in view of Beadle[17].[18] This rejection is respectfully traversed.

As to dependent claims 6, 14, 22 and 30, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Fifth 35 U.S.C. § 103 Rejection

Claims 7, 15, 23, and 31 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bellemore et al. and Bahl and further in view of Beadle and Raab.[19] This rejection is respectfully traversed.

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[15] U.S. Patent No. 5,751,967.
[16] Office Action, ¶ 11.
[17] U.S. Patent No. 6,766,373.
[18] Office Action, ¶ 13.
[19] Office Action, ¶ 15.

As to dependent claims 7, 15, 23, and 31, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Applicants respectfully request that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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